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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

TONY DUPLICHAN AND KELLI : DOCKET NO. 09-1141
DUPLICHAN, INDIVIDUALLY AND
ON BEHALF OF THEIR MINOR
CHILDREN, HARLIE AND CONNOR
DUPLICHAN

VS. : JUDGE TRIMBLE

AMERICAN BANKERS INS. CO. OF : MAGISTRATE JUDGE KAY
FLORIDA

MEMORANDUM RULING AND JUDGMENT

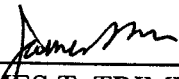
Before the Court is a "Motion for Partial Summary Judgment" (doc. #10) filed by defendant, American Bankers Insurance Company of Florida ("American Bankers") wherein the movers seek to dismiss the personal injury mold claims made by Kelli Duplichan and those same claims made on behalf of the minor children, Harlie and Connor Duplichan, by Kelli Duplichan. In their response to the motion, Plaintiffs consent to the dismissal of the claims asserted by Kelli Duplichan and the minor children, Harlie and Connor Duplichan.¹ Plaintiffs submit that it has been established that these Plaintiffs are not named insureds under Defendant's insurance policy. Accordingly, it is

ORDERED, ADJUDGED, AND DECREED that the motion for partial summary judgment (doc. #10) is hereby **GRANTED**, dismissing with prejudice, the personal injury mold claims of Kelli Duplichan, and the personal injury mold claims made on behalf of the minor

¹ Plaintiffs' Response to Defendant's Motion for Partial Summary Judgment, Doc. #14, p. 1.

children, Harlie and Connor Duplichan, reserving Plaintiffs' right to all other remaining claims.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 29th day of
December, 2009.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE